

REMARKS

Claims 1, 2 and 4-37 are pending in the current application. Claims 1, 12, 23 and 36 are the independent claims.

35 U.S.C. § 112, First Paragraph

Claims 1-2 and 4-37 stand rejected under 35 U.S.C. § 112, first paragraph, for failing to comply with the enablement requirement. Applicant respectfully traverses this rejection.

The Examiner alleges that “the amended claimed subject matter ‘linking said transceiver element with only one of the plurality of nearby base stations’ is not supported by the original Specification” (page 3 of the Office Action). Applicant respectfully disagrees and directs the Examiner to page 9, lines 1-15 of the Specification, which recites:

In order to reduce the number of dominant pilots in a high density area of multiple dominant pilots, the present invention utilizes a simulcasting element or omni-directional cell. The simulcasting element or omni-directional cell is inserted in a high density area of multiple dominant pilots. The increased local signal strength from the simulcasting element or omni-direction cell reduces the number of dominant pilots at each geographical location. The simulcasting element is essentially a repeater which transmits the forward link signal obtained from a base station 14 and receives the reverse link signal from the mobile unit 20. The communication link between the simulcasting element or omni-directional cell and the base station 14 can be either wired or wireless. (Emphasis Added)

Applicant respectfully submits that the “transceiver element” of claim 1 may read on the “simulcasting element” as described in the above-cited portion of the Specification. Applicant further submits that the “only one of the plurality of nearby base stations” may read on the “base station 14” as described in the above-cited

portion of the Specification. Applicant further submits that linking the simulcasting element with the base station 14 is sufficiently enabled in the above-cited portion of the Specification.

In view of the above remarks, Applicant respectfully submits that all limitations present in the claimed invention are enabled. Applicant respectfully requests that the Examiner withdraw the enablement rejection.

35 U.S.C. § 103 (a) Weaver

Claims 1, 3-5, 8-12, 14-15, 17-18, 21-25, 28-32 and 34-35 stand rejected under 35 U.S.C. § 103 (a) as being unpatentable over Weaver. Applicant respectfully traverses this art ground of rejection.

Weaver discloses a time division duplex repeater for use in a CDMA system. The Examiner relies on column 9, lines 16-31, in alleging that Weaver discloses the limitations of the independent claims. However, this portion of Weaver simply relates to a standard repeater. Weaver states:

One method of increasing signal level in a region without the addition of an entirely new base station is to use a signal repeater. A signal repeater is used to extend the coverage area or modify the topology beyond that of a single antenna. Repeaters perform basic signal processing such as restoration of signal amplitude, waveform shape or timing. In this case, the most basic repeater embodiment simply receives, amplifies and retransmits the signal. The repeater is typically installed in proximity to the area in which increased coverage is desired. For example, the repeater can be installed in an neighboring building to base station 115. The repeater has general use in coverage holes such as in the "shadow" of a large building or in a freeway tunnel. (column 9, lines 16-29-emphasis added)

The above described repeater of Weaver is a conventional repeater and is not a repeater according to the claimed invention. For example, the repeater of Weaver

discloses nothing with respect to multiple dominant pilot signals. Weaver discloses a repeater that simply receives and retransmits signals. The retransmitted signal may be received by any nearby base station within the range of the transmission. Thus, Weaver cannot disclose or suggest “linking said transceiver element with only one of a plurality of nearby base stations” as recited in independent claims 1 and 12 and similarly recited in independent claims 23 and 28. Further, for similar reasons, Weaver cannot disclose or suggest transmitting “only one of the multiple dominant pilot signals” as recited in independent claim 36.

Applicant agrees with the Examiner in that “Weaver fails to explicitly disclose locating a fixed transceiver element in a high density area of multiple dominant pilots” (page 4 of the Office Action). However, the Examiner further alleges that “it would have been obvious to one having ordinary skill in the art at the time the invention was made to place the repeater of Weaver in a high density area of multiple dominant pilots or at the area in which increased coverage is desired” (page 4 of the Office Action). Applicant respectfully disagrees.

While Weaver discloses placing the repeater in a position where increased coverage is desired, Weaver states that “[t]he repeater has general use in coverage holes such as in the ‘shadow’ of a large building or in a freeway tunnel” (column 9, lines 26-27). Coverage holes refer to areas including no useable pilot signals, not multiple dominant pilot signals. Thus, Applicant respectfully submits that it would not be obvious and/or inherent that the repeater of Weaver is placed in an area of multiple dominant pilot signals.

Furthermore, the Examiner will surely appreciate, if the repeater of Weaver were placed in a location having multiple dominant pilots, the Weaver repeater would

amplify and transmit them all – and not be linked with only one nearby base station and transmit only one of the dominant pilots.

As such, claims 4-5, 8-11, 14-15, 17-18, 21-22, 24-25, 31-32, 34-35 and 37, dependent upon independent claims 1, 12, 23, 28 and 36, respectively, are likewise allowable over Weaver at least for the reasons given above with respect independent claims 1, 12, 23, 28 and 36.

Applicant respectfully requests that the Examiner withdraw this art grounds of rejection.

35 U.S.C. § 103 (a) Weaver and Schroderus

Claims 2, 13, 16, 27 and 33 stand rejected as being obvious in view of Weaver and Schroderus. Applicant respectfully traverses this art grounds of rejection.

Initially, the Applicant agrees with the Examiner in that “Weaver fails to explicitly disclose receiving reverse signals at said transceiver element for said nearby sector associated with nearby base station” (page 5 of the Office Action). The Examiner alleges that Schroderus discloses this one particular deficiency of Weaver.

Schroderus discloses a general method of establishing a telecommunications connection in a mobile communication system. Specifically, Schroderus is directed to an inexpensive and simple repeater achieved by using two receivers and one transmitter as opposed to two transceivers. Apparently, transceivers are more expensive than either receivers or transmitters. It is clear from a cursory review of Schroderus that Schroderus is insufficient in overcoming the deficiencies of Weaver as discussed above with respect to independent claims 1, 12, 23 and 28.

As such, claims 2, 13, 16, 27 and 33, dependent upon independent claims 1, 12, 23 and 28, respectively, are likewise allowable over Schroderus at least for the reasons given above with respect to independent claims 1, 12, 23 and 28.

Applicant respectfully requests that the Examiner withdraw this art grounds of rejection.

35 U.S.C. § 103 (a) Weaver and Kinnunen

Claim 6-7, 19-20 and 26 stand rejected under 35 U.S.C. § 103 (a) as being unpatentable over Weaver and Kinnunen. Applicant respectfully traverses this art grounds of rejection.

Initially, Applicant agrees with the Examiner in that “Weaver fails to disclose[d] [that] transmitting from the transceiver element with less power than transmitting from the nearby base station” (page 6 of the Office Action). The Examiner alleges that Kinnunen discloses this one particular deficiency of Weaver.

Kinnunen is directed to a direct mode repeater and a mobile radio system. Kinnunen is directed to a repeater which avoids the problem of simultaneous transmissions from several repeaters on same channel. The repeater of Kinnunen monitors the channel to determine when the channel is available for transmission.

It is clear from a cursory view of Kinnunen that Kinnunen is insufficient in overcoming the deficiencies of Weaver as discussed above with respect to independent claims 1, 12 and 23. As such, claims 6-7, 19-20 and 26, dependent on independent claims 1, 12 and 23 respectively, are likewise allowable over Weaver and Kinnunen at least for the reasons given above with respect to independent claims 1, 12 and 23.

Applicant respectfully requests that the Examiner withdraw this art grounds of rejection.

Finality Must Be Withdrawn

The Examiner has issued a final Office Action in response to the amendments and remarks filed on February 2, 2005. As discussed above, the Examiner has issued an improper enablement rejection under 35 U.S.C. § 112, first paragraph directed to portions of the amended subject matter. The Examiner appears to have disregarded the amended subject matter in light of the cited art because of the improper enablement rejection. Since the new grounds of rejection are improper, Applicant respectfully submits that the Examiner's issuance of a final Office Action is likewise improper.

Applicant respectfully requests that the Examiner withdraw finality and consider all aspects of the amended subject matter filed on February 2, 2005.

Reconsideration and allowance of claims is respectfully requested.

CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of claims 1, 2 and 4-37 in connection with the present application is earnestly solicited.

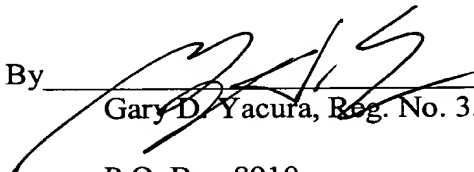
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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By



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